

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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BRAINWAVE SCIENCE, INC.

Plaintiff,

- against -

21-cv-4402 (BMC)

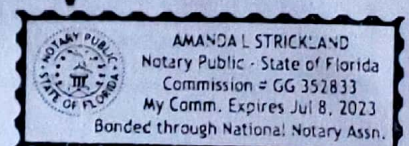
ARSHEE, INC., DR. LAWRENCE A.
FARWELL, DR. THIERRY MAISON and
BRAIN FINGERPRINTING FOUNDATION

Defendants.

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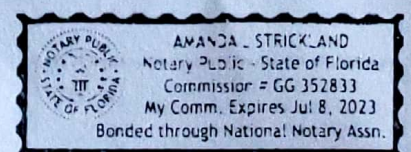
Manjunath Rajaram, pursuant to 28 U.S.C. §1746 declares under penalty of perjury that the following is true and correct:

1. I serve as a Strategic Business Principal for Plaintiff Brainwave Science, Inc. ("Brainwave").
I have been engaged by Brainwave in a full-time capacity since November 01, 2020.
2. Brainwave's business model involves sale of its iCognitive® systems by way of bids or "tenders" with international government agencies and vendors.
3. My regular work duties for Brainwave include serving as a Bidding Coordinator for Brainwave's bids or tenders. Within this role, I am charged with managing Brainwave's

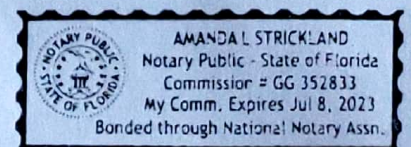


response to 'Requests for Tenders' (RFTs) or 'Requests for Proposals' (RFPs) issued by international purchasing authorities.

4. In or about March of 2021, I was assigned by Brainwave to prepare and submit a tender for sale of iCognitive® system(s) to the Ministry of Home Affairs for the Government of the People's Republic of Bangladesh. This tender (hereinafter "Bangladeshi Tender") was submitted in response to a Request for Tender issued by the Rapid Action Battalion, RAB Forces. (Invitation Reference No - RAB Forces HQ/INT/INFO/2020-2021/1001/02).
5. My work duties in connection with the Bangladeshi Tender included preparing bidding documents for submission by our Bangladeshi local sales partner, serving as Brainwave's primary point of contact with our Bangladeshi local sales partner and monitoring the status of our bid with the issuing agency.
6. The last date for submission of the Bangladeshi Tender was April 27, 2021. By Memorandum dated April 28, 2021, the issuing agency advised that three bids were being considered by the agency. The considered bids were submitted by the local sales partners of non-party Speedial Trading, LLC, Plaintiff Brainwave Science, Inc. and Defendant Arshee Inc, New York. A true and accurate copy of the April 28, 2021 Memorandum, maintained as a business record by Brainwave, is filed at ECF #25-4.
7. Pursuant to the published terms of the Bangladeshi Tender, tenderers were required to submit bids valid for One Hundred and Twenty (120) days from the last date for submission of tender. Accordingly, all tenders submitted were deemed valid until at least August 24, 2021.




8. Also pursuant to the terms of the Bangladeshi Tender, any tenderer not selected as the original Awardee could nonetheless be awarded the tender if the original awardee failed to perform in any manner. Accordingly, every tenderer was required to maintain the validity of their respective tender, including the validity of their financial guarantee ("Tender Security") until August 24, 2021.
9. On or about June 30, 2021, I was informed that our company counsel corresponded with Defendant Arshee, Inc. to advise that the system submitted by Arshee, Inc. in connection with their tender reportedly included Brainwave's proprietary code and other trade secrets. That correspondence demanded, among other things, that Arshee, Inc. "immediately cease and desist from further attempts to market, license or sell" Brainwave's proprietary code and other trade secrets. A true and accurate copy of the "Cease and Desist" letter is filed at ECF #25-5.
10. While I am not an attorney, and was not involved in drafting or forwarding that correspondence, I was made aware that the "Cease and Desist" correspondence had been sent so that I might monitor what action(s), if any, Arshee, Inc. took in response to the correspondence. I have been advised by our counsel that Arshee, Inc. has acknowledged that they received a copy of the "Cease and Desist" correspondence on or about July 1, 2021.
11. To my knowledge and belief, based upon my reasonable inquiry, Arshee, Inc. did not withdraw their bid before the issuing agency at any time subsequent to July 1, 2021. The basis for my belief includes regular contact with our Bangladeshi Sales Partner and review of the issuing agency's publications and the website for the Central Procurement Technical Unit for the Ministry of Planning, Government of the People's Republic of Bangladesh (<https://cptu.gov.bd>).

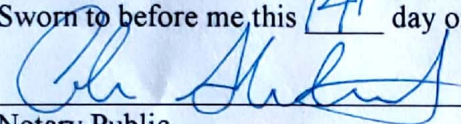


Pursuant to 28 U.S. Code § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on 12-14-2021


Manjunath Rajaram
257 Turnpike Road
Southborough, MA 01772
Phone: +1 304 280 4772

Sworn to before me this 14th day of DEC, 2021


Notary Public

